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SUBJECT: German Out-Of-Area Deployment Update

REF: A) Berlin 250
B) Berlin 620
C) Berlin 1045

¶1. (SBU) As of July 30, Germany had 6,750 military personnel in out-of-area deployments (compared to 7000 in May), plus 2,500 on stand-by for the NATO Response Force (NRF) and an additional 1,000 on stand-by for the EU's Battle Groups. All armed military out-of-area (OOA) deployments, with the exception of those in support of UN observer missions, require parliamentary approval. A 2005 Deployment Law regulates the parliamentary process, allowing expedited procedures only for non-controversial deployments. What follows is a brief run-down on Germany's current OOA deployments. (Note: OOA deployments are defined as deployments outside Germany's territory where the German military could become part of an armed conflict. End Note.)

The Deployment Law

¶2. (SBU) According to a landmark 1994 Constitutional Court decision and a subsequent 2005 Deployment Law, the Bundestag must preapprove the deployment of any German armed forces outside of Germany. The Deployment Law does provide for urgent armed deployments to go forward without the prior approval of the Bundestag, but most German officials view this exception as applicable only in the most exigent of circumstances, e.g. when there is literally no time to obtain Bundestag approval between the outbreak of a crisis and the need to respond militarily. Even in these circumstances, the Deployment Law requires the government to seek Bundestag approval as soon as possible. If approval is not granted, the deployment must be terminated.

¶3. (SBU) In a decision that is likely to make it even more cumbersome for the government to deploy German armed forces overseas, the German Constitutional Court ruled May 7 that the government's decision to allow German air crews to participate in the NATO AWACS mission in Turkey in 2003, on the eve of the war in Iraq, without first seeking approval of the Bundestag, was unconstitutional. The Court dismissed the assertion of the then-Social Democratic/Green coalition government that the AWACS deployment was just a "routine," unarmed reconnaissance mission, holding that there were "tangible, factual indicators" that the German AWACS air crews could have been drawn into armed conflict. The Court reaffirmed the Bundeswehr as a "parliamentary army," underscoring that the German Basic Law (Constitution) "entrusted the decision about peace and war to the German Bundestag as the representative body of the people." The Court emphasized that when in doubt about whether it is necessary to obtain Bundestag approval, the government should err on the side of seeking parliamentary

permission. (See Ref B for further reporting and analysis on this Constitutional Court decision.)

International Security Assistance Force (ISAF)

¶4. (SBU) The Bundeswehr currently has 3,520 military personnel (3,446 in May) operating under ISAF in Afghanistan. These personnel are deployed under a one-year combined mandate approved by the Bundestag October 12, 2007. This combined mandate includes the deployment of six Tornado reconnaissance aircraft, which were previously covered by a separate mandate. Due to force rotation, Germany as of July 31 had more than the 3,500 soldiers authorized in Afghanistan; the mandate provides for temporarily exceeding the ceiling during troop rotations.

¶5. (SBU) Germany has been active in ISAF since the operation's inception in January 2002, and was the first country to volunteer to lead an ISAF Provincial Reconstruction Team (PRT) outside of Kabul. Germany currently commands ISAF's northern region (RC-North), where it leads two of the five PRTs (Kunduz and Feyzabad) as well as the Forward Support Base in Mazar-E-Sharif. On February 23, 2008 Germany inaugurated a Provincial Advisory Team (PAT), a mini-PRT in Takhar province with around 50 civilian and military personnel total.

¶6. (SBU) The Bundeswehr has taken on, or has committed to take on, a number of additional tasks in recent months, which will soon bring it right up against the current troop ceiling of 3,500:

-- Germany has taken over the Regional Command-North Quick Reaction

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Force (QRF) company on July 1. This is the first time Germany has had a force (consisting of about 200 troops) that can be quickly deployed around the country on short notice and that is authorized to conduct combat missions. This constitutes a significant new aspect of the Bundeswehr deployment in Afghanistan, whose forces up to now have been focused almost solely on stabilization and force protection missions. German officials point out that the primary mission of the QRF is to respond to emergencies in RC-North, but they also have said that Germany will come to the aid of Allies (i.e., outside RC-North) when required. Such exceptions are explicitly allowed by the ISAF mandate (see para 10 below).

-- Germany is tripling the number of troops (from 100 to 300) devoted to the training of the Afghan National Army (ANA). Besides fielding additional Operational Mentoring and Liaison Teams (OMLTs), up to a total of seven, Germany also plans to expand a drivers and mechanics school in Kabul into a logisticians' training center, set up a combat engineering school in Kabul and establish an infantry training center in Mazar-e-Sharif.

-- Germany has increased the number of military policemen devoted to the training of the Afghan National Police (ANP) in Mazar-e Sharif from 30 to 45.

-- In the wake of numerous rocket attacks against PRT Kunduz, in February Germany deployed a company of 200 airborne infantry soldiers to do regular patrolling in the immediate area around the PRT.

¶7. (SBU) On June 26, DefMin Jung and German Chief of Defense Gen. Schneiderhan announced the intention to increase the troop ceiling. The troop ceiling increase is designed to create enough headroom and flexibility for the Bundeswehr to respond to an unexpected crisis. Political reactions to the announced increase were fairly moderate, although some speculated that the increase in the troop ceiling might hurt the state election prospects of Bavaria's Christian Social Union, which holds an absolute majority in the state parliament.

¶8. (SBU) When the ISAF mandate comes up for renewal in October, the current expectation is that the government will seek a renewed mandate through December 2009, which would avoid the need to vote on

a mandate in the heat of the campaign for the September 2009 Bundestag election. The new mandate will also include some language that puts the deployment of German radio operators in Kandahar on firm legal grounds.

¶9. (SBU) Following COMISAF's request for NATO-AWACS for ISAF, there has been public discussion about whether Germany should support such a deployment. (For further detail on the debate, see Berlin 1045). Depending on the status of discussions at NATO on the deployment of NATO AWACS aircraft to ISAF, the mandate could address deployment of German aircrews on NATO AWACS. A decision on this has not been made yet by the German government.

¶10. (SBU) Germany currently provides OMLTs for ANA maneuver battalions based in Kunduz and Feyzabad. It also contributes to two multinational OMLTs -- one for the HQ of the 209th Corps and the other for the HQ of the 1st Brigade of the 209th Corps. Both HQs are located in Mazar-E-Sharif. Germany plans to contribute three additional OMLTs as a new ANA brigade (2nd Brigade, 209th Corps) and its subordinate battalions are fielded in the north over the next year. Germany also plans to build garrisons for the new brigade in the north.

¶11. (SBU) The German ISAF mandate defines their area of operations as the northern region and Kabul. Nevertheless, an exception in the mandate allows for temporary, limited deployments to other parts of the country on a case-by-case basis if deemed "absolutely necessary" to the overall ISAF mission. Case in point, German radio operators have provided communication support to Regional Command South in Kandahar for several months.

¶12. (SBU) In the fall of 2007 and again in May 2008, DefMin Jung approved the temporary deployment of a small number of Bundeswehr soldiers outside the north to provide medical and intelligence support to combat operations against insurgents in Region West. None of the German soldiers, however, were directly involved in combat operations. For the May 2008 operation, German members of the multinational OMLT for the 209th Corps HQ were part of a group authorized to deploy, the first time that German OMLT members were allowed to deploy outside the north (albeit for a Corps HQ and not a fighting unit). MOD has thus far not allowed German OMLTs assigned

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to infantry ANA battalions to deploy outside the north.

¶13. (SBU) Meanwhile, the ISAF mandate allows the Tornado reconnaissance aircraft to operate throughout Afghanistan, but restricts the resulting information from being distributed outside of ISAF channels. The information can only be passed to OEF in instances where doing so directly supports ISAF operations. Since the end of January 2008, Germany has provided an additional two C-160 Transall aircraft in Afghanistan to ISAF, for a total of eight.

Operation Enduring Freedom (OEF)

¶14. (SBU) The parliamentary mandate for OEF, which allows for the deployment of up to 1,400 personnel, expires on November 15. Currently, Germany has deployed 90 sailors (263 in May) and the Bundeswehr has P3-Orion Reconnaissance Aircraft stationed at the Horn of Africa. At this point, Germany has no frigates under OEF operating around the Horn of Africa. In June 2008 there was a controversial debate on whether German navy ships deployed under OEF have the authority to act against pirates. Germany is currently considering support for an ESDP mission on the Horn of Africa that would act against pirates. The structure of the ESDP mission remains unclear at this point.

¶15. (SBU) The OEF mandate includes an authorization for the deployment of up to 100 German Special Forces (KSK) to Afghanistan. Reportedly, no KSK have been deployed to Afghanistan under OEF since 2005, which led some politicians to question the utility of maintaining this part of the mandate during last fall's debate over

its renewal. The Afghanistan portion of the OEF has become a "virtual mandate," the main purpose of which is to demonstrate solidarity with the United States. There is little parliamentary support for actually deploying the KSK to Afghanistan under OEF.

¶16. (SBU) Despite parliamentary approval, OEF remains unpopular in Germany due to misperceptions of the mission as a strictly combat operation and its association with civilian casualties. OEF is an especially divisive issue within the Social Democratic Party (SPD), the junior party in the Grand Coalition government. Some 42 SPD parliamentarians -- about 20% of the caucus -- voted against extending the OEF mandate this past year. While significantly higher than in 2006, when only 13 opposed OEF, the number of defections is significantly below what the SPD suffered in March 2007, when 69 voted against the original deployment of Tornado reconnaissance aircraft to Afghanistan.

¶17. (SBU) During the parliamentary debate on OEF, FM Steinmeier called for evaluating whether OEF could be mandated in the future through a UNSCR, rather than continuing to rely on the self-defense provisions of Article 51 of the UN Charter. He also called for examining the possibility of transferring the ANA training mission from OEF to ISAF, thereby continuing the trend toward an ever larger ISAF and smaller OEF. Finally, he proposed holding an international conference in the coming months to take stock of the progress made towards achieving the goals of the Afghanistan Compact.

¶18. (SBU) Given the upcoming 2009 national parliamentary election and the fact that public support for the operation remains very low, renewal of the OEF mandate this coming fall could be difficult. Nonetheless, the government is still likely to seek renewal of the mandate, believing that failing to do so could send a negative signal about Germany's commitment to the fight against terrorism. On June 26, DefMin Jung announced that he intends to cut the OEF mandate by 600 military personnel, which would mean that only 800 soldiers would be authorized after November 2008.

Kosovo Force (KFOR)

¶19. (SBU) Germany currently has 2,240 military personnel (compared to 2,645 in May) in KFOR, far below the authorized troop ceiling of 8,500 military personnel. There is a German Operational Reserve Force (ORF) battalion on stand-by in Germany to reinforce KFOR as necessary. The mandate is extended automatically each year unless there is a change to the UNSC Resolution framework for the Kosovo Force. Germany formally recognized Kosovo's independence on February 20 in a letter from President Koehler. The government made

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clear that it still considers UNSCR 1244 as the legal basis for KFOR, a position that all parties in the Bundestag, except the small Left Party (roughly 12% support nationally), support.

European Union Force (EUFOR) Bosnia

¶20. (SBU) Germany currently has around 130 soldiers (same as in May) in Bosnia as part of the EU's Operation ALTHEA. Most of the German soldiers are deployed as liaison and observer teams. The mandate, amended December 1, allows the deployment of up to 2,400 military personnel. This operation extends automatically unless there is a change to its underlying UNSC resolution. In 2007, Germany reduced its military presence in Bosnia by more than 700 military personnel in coordination with other allies. Germany is relying more on home-based reserve forces and less on deployed troops to provide the necessary security support for the implementation of reform measures mandated by the Dayton Peace agreement.

United Nations Interim Force in Lebanon (UNIFIL)

¶21. (SBU) Since March 2008, Germany no longer leads UNIFIL's naval component, but still has 460 military personnel deployed (compared to 464 in May). The current mandate, authorizing up to 1,400 military personnel, expires on September 12. On February 29, Germany handed over the command of UNIFIL's naval component to EUROMARFOR, a joint, non-permanent fleet including Portugal, Spain, France and Italy. An Italian officer assumed command.

Sudan (UNAMID and UNMIS)

¶22. (SBU) Germany currently has 39 military observers taking part in the UN Mission in Sudan (UNMIS). These observers monitor the implementation of the Comprehensive Peace Agreement. The parliament imposed a caveat barring military observers from going to Darfur without prior consultation with the Bundestag Foreign Relations Committee's chairman and ranking members. The mandate, which was extended for an additional year on November 15, 2007, allows for the participation of up to 75 German military observers.

¶23. (SBU) Replacing its old AMIS mandate, the Bundestag approved a new mandate in support of the UN/AU hybrid mission in Darfur (UN Assistance Mission in Darfur, UNAMID) on November 15. It authorizes the Bundeswehr to deploy transport aircraft and up to 200 troops in support of the UN/AU hybrid mission.

Georgia (UNOMIG)

¶24. (SBU) Germany has been part of the UN Observer Mission in the Abkhazian region of Georgia (UNOMIG) since 1998 and currently has 12 personnel stationed there, most of whom are medical personnel and military observers. To meet a UN request for additional medical personnel, the German cabinet decided last August to raise the personnel ceiling for this mission from 13 to 20. Despite the conflict currently raging in Georgia, German observers are remaining.

Other minor deployments

¶25. (SBU) One military observer serves in the United Nations Mission in Ethiopia and Eritrea (UNMEE). One German military observer is seconded to the United Nations Assistance Mission in Afghanistan (UNAMA). The Bundeswehr has seconded 41 military personnel to Strategic Medical Evacuation (STRATAIRMEDEVAC), for which no parliamentary mandate is required, since it is not an armed deployment and the stand-by aircraft are stationed in Germany.

Other force commitments

¶26. (SBU) The Bundeswehr currently has 2,500 soldiers committed for the twelfth rotation of the NATO Response Force (NRF). There are currently 1,000 Bundeswehr soldiers assigned to EU Battle Groups in

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the second half of 2008.

Bundeswehr transformation

¶27. (SBU) The Bundeswehr is currently undergoing a transformation process, the goal of which is to be able to send up to 14,000 soldiers to as many as five different theaters for stabilization missions by 2010. The Bundeswehr will be reduced from its pre-transformation level of 270,000 to a final strength of 250,000 (162,300 Army, 62,700 Air Force and 25,000 Navy). The new Bundeswehr will be composed of three different groups: 35,000 for intervention forces, 70,000 for stabilization forces and 147,000 for support forces. Part of the Bundeswehr's transformation is a

comprehensive rebasing program, which is also intended to be completed by 2010. Moreover, transformation includes the procurement of new equipment to fill capability gaps, mainly in the fields of strategic air lift, network centric warfare and armored vehicles. Due to limited funding (Germany spends just 1.3 percent of its GDP on defense, with few prospects of significant increases in the future) and defense industry delays (mainly EADS), the equipment side of the transformation is behind schedule.